

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JULIAN MEHU,

Plaintiff,

-against-

STANDARD ELEVATOR COMPANY,

Defendant.

X : DOCKET NO.: 08CV5697

: : JUDGE McMAHON

: : (ECF CASE)

: X

COMPLAINT

Plaintiff Demands Trial by
Jury

Plaintiff, complaining of the defendant herein, by and through his attorneys,
GREENBERG & GREENBERG, LLP, alleges the following:

NATURE OF THE ACTION

This action a claim brought to redress injuries sustained by the plaintiff as a result of the negligence and breach of duty of care of the defendant in the maintenance of its elevator located at a warehouse building in New Jersey.

DIVERSITY JURISDICTION

1. Jurisdiction exists pursuant to 28 U.S.C. Section 1332 in that plaintiff is a citizen and resident of the State of New York, with a residence at 37 West 8th Street, New York, New York, and defendant is an Illinois Corporation with its principal place of business at 68 Union Avenue, Clifton New Jersey. The amount in controversy, exclusive of costs and interest,

exceeds \$75,000.00.

STATEMENT OF CLAIMS

2. Upon information and belief, at all times hereinafter mentioned, defendant STANDARD ELEVATOR COMPANY owned, operated, maintained, managed and controlled the freight elevator in the building located at 321 Newark Street, Hoboken, New Jersey.

3. On Monday, March 26, 2007, at or about 1:30 p.m. thereof, plaintiff JULIAN MEHU was a person lawfully on the aforementioned premises and using the elevator owned, operated, maintained, managed and controlled by the defendant.

4. At the time and place aforesaid, the plaintiff was caused to be injured by two 80 pound metal bars that fell from the gate of the elevator as he was attempting to close the gate in order to use the elevator in the manner and for the purpose intended.

5. As the metal bars fell, they came into contact with the plaintiff's left hand, causing multiple deep lacerations, all due to the negligence, recklessness and carelessness of the defendant.

6. The defendant, its agents, servants and/or employees were negligent in their ownership, operation, maintenance, management and control of the aforementioned elevator in that they failed to ensure a safe and proper elevator for use by persons lawfully thereat; they created a trap and nuisance in the doorway of the elevator; they caused, allowed and permitted the elevator to be, become and remain in unsafe and hazardous condition and failed to remedy it, despite notice and knowledge thereof; they caused the

dangerous condition by failing to fix and maintain the elevator in good and safe working order; they failed to exercise the care and caution required under the circumstances; and, they violated the laws, rules, regulations, statutes and ordinances of the City of Hoboken, County of Hudson, State of New Jersey and all applicable Federal safety standards in such cases made and provided and were otherwise negligent, reckless and careless in the premises.

7. Upon information and belief, defendant had prior actual notice of the dangerous and hazardous conditions upon the premises that were the proximate cause of plaintiff's accident and injuries.

8. Upon information and belief, defendant had prior constructive notice of the dangerous and hazardous conditions upon the premises that were the proximate cause of plaintiff's accident and injuries.

9. As a result of the aforementioned incident, plaintiff JULIAN MEHU suffered numerous serious injuries to his body; has suffered and will continue to suffer serious psychological trauma, emotional distress, and anxiety; has had to endure and will continue to endure terrible pain and suffering; has been obliged to and did incur large bills and expend large sums of money for medical care, which will continue into the future and for which the plaintiff will continue to be obliged; has suffered permanent injuries and impairments of his physical condition, all due to the negligence of the defendant, its agents, servants and/or employees.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff JULIAN MEHU respectfully requests judgment against Defendant STANDARD ELEVATOR COMPANY as follows:

- A. On the First Claim, for negligence , in amounts to be determined at trial, compensatory damages against STANDARD ELEVATOR COMPANY for past and future pecuniary losses; compensatory damages against Defendant for past and future non-pecuniary losses (including but not limited to physical pain and suffering, emotional pain & suffering and inconvenience); costs; and reasonable attorney's and expert fees.
- B. For such further relief as the Court deems necessary and proper.

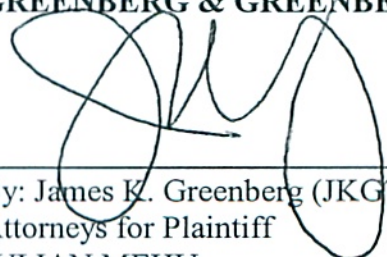
JURY TRIAL DEMAND

Plaintiff JULIAN MEHU requests a jury trial on all questions properly triable by a jury.

Dated: May 30, 2008

Respectfully submitted,

GREENBERG & GREENBERG, LLP



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